

REMARKS

Claims 1-26 remain in this application. Claims 1-26 have been rejected.

Reconsideration of this application in light of the following remarks is requested.

Rejections Under 35 U.S.C. §103

Claim 1

Claim 1 recites the following:

1. A method of providing communication between a provider endpoint at a provider location and a user endpoint at a user location behind a data firewall, the method comprising the steps of:

receiving a connection signal from a soft switch at the provider location, wherein a data portion of the connection signal includes a private connection address associated with the provider endpoint;

modifying the data portion of the connection signal by substituting a public connection address for the private connection address; and

sending the modified connection signal to the user endpoint.

Claim 1 was rejected under 35 U.S.C. §103(a) as being obviated by U.S. Patent Application No. 2004/0210674 to Gbadegesin (hereinafter "Gbadegesin") in view of U.S. Patent No. 6,822,957 to Schuster et al. (hereinafter "Schuster"). Applicant traverses this rejection on the grounds that these references are defective in establishing a prima facie case of obviousness with respect to claim 1.

As the PTO recognizes in MPEP §2142:

... The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness...

It is submitted that, in the present case, the examiner has not factually supported a prima facie case of obviousness for the following, mutually exclusive, reasons.

1. Even When Combined, the References Do Not Teach the Claimed Subject Matter

The Gbadegesin and Schuster references cannot be applied to reject claim 1 under 35 U.S.C. §103 which provides that:

A patent may not be obtained ... if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains ... (Emphasis added)

Thus, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. However, since neither Gbadegesin and Schuster teaches “receiving a connection signal from a soft switch at the provider location, wherein a data portion of the connection signal includes a private connection address associated with the provider endpoint” as described in the subject application and claimed in claim 1, it is impossible to render the subject matter of claim 1 as a whole obvious, and the explicit terms of the statute cannot be met.

With regard to the claim 1 limitation of “receiving a connection signal from a soft switch at the provider location, wherein a data portion of the connection signal includes a private connection address associated with the provider endpoint,” the Office Action cites the following passages of Gbadegesin as allegedly disclosing such a method step:

This gateway computer 66 runs a program called a network address translator (NAT) that has both a private IP address 62 and a public IP address 68. As computers on the private network attempt to establish sessions with a server on a public network (or another private network), the NAT changes the source address 70 of the message packets 72 from the private address of the client computer to its public IP address. Gbadegesin, Paragraph 0004, Lines 1-7 (*emphasis added*).

In operational terms as illustrated in FIG. 7, a client process C₁ establishes a first session 94 with the proxy 88 requesting access to a public server S₁. If the proxy agrees, a second... Gbadegesin, Paragraph 0008, Lines 10-12.

Thus, Gbadegesin merely describes receipt of message packets by a NAT from a network client. Gbadegesin does not describe, suggest, or otherwise allude to “receiving a connection

signal from a soft switch at the provider location.” For at least this reason, Gbadegesin and Shuster fail to provide a prima facie case of obviousness with regard to claim 1.

With further regard to the claim 1 limitation of “receiving a connection signal from a soft switch at the provider location, wherein a data portion of the connection signal includes a private connection address associated with the provider endpoint,” Gbadegesin only describes receipt of message packets by a NAT that translates the IP addresses thereof. As is known, a NAT replaces a private address of a client with a public address of the NAT prior to sending a packet out to another network. The private network address of the client that is replaced by a NAT is included in an address portion, e.g., an IP header, of the packet. Likewise, the public address of the NAT that is used to replace the client’s private address is inserted into the address portion in place of the client’s private address. Nothing in the client-NAT communications described by Gbadegesin discloses, suggests, or otherwise alludes to “a data portion of the connection signal” including “a private connection address associated with the provider endpoint,” as is described in the subject application and explicitly recited in claim 1. For at least this reason, Gbadegesin and Shuster fail to provide a prima facie case of obviousness with regard to claim 1

Thus, for this mutually exclusive reason, the examiner’s burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. §103 should be withdrawn.

2. The recognition of a problem, or of the source of the problem, is not obvious even though the solution to the problem may be obvious

In the present case, it is apparent from a reading of the Gbadegesin and Shuster references that neither recognized the problem of providing voice communication between a provider endpoint at a provider location and a user endpoint at a user location where both the provider endpoint and the user endpoint are located behind conventional firewalls. Thus, this is a classic example of a solution to a problem being obvious only after recognition of the problem by the applicant and is part of the “subject matter as a whole” language of 35 USC §103 which should always be considered in determining the obviousness of an invention under this statute.

Thus, for this independent reason, the examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. §103 should be withdrawn.

Claims 8, 20, and 26 recite similar features as claim 1 and were rejected for the same rationale. Therefore, the same distinctions between Gbadegesin and Shuster and the claimed invention in claim 1 apply for these claims. For the reasons described above, Gbadegesin and Shuster do not include all elements of independent claims 1, 8, 20, and 26 and hence fail to obviate the present invention as recited in claims 1, 8, 20, and 26.

Claim 14

Claim 14 recites the following:

14. A voice firewall comprising:
a command input port;
a command output port;
a processor electrically connected to the command input port and the command output port, wherein the processor is configured to receive a connection signal through the command input port, wherein the processor is further configured to substitute a public connection address for a private connection address embedded within a data portion of the connection signal; and
a voice communication port electrically connected to the processor, wherein the voice communication port is associated with the private connection address on a private side of the voice firewall and is associated with the public connection address on a public side of the voice firewall.

Claim 14 was rejected under 35 U.S.C. §103 as being obviated by Gbadegesin in view of Schuster. Applicant traverses this rejection on the grounds that these references are defective in establishing a *prima facie* case of obviousness with respect to claim 1.

1. Even When Combined, the References Do Not Teach the Claimed Subject Matter

Since neither Gbadegesin and Schuster teaches a voice communication port that "is associated with" a "private connection address on a private side of the voice firewall and is associated with the public connection address on a public side of the voice firewall" as described

in the subject application and claimed in claim 14, it is impossible to render the subject matter of claim 14 as a whole obvious, and the explicit terms of the statute cannot be met.

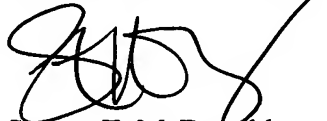
With regard to the claim 14 limitation of a voice firewall comprising “a voice communication port electrically connected to the processor, wherein the voice communication port is associated with the private connection address on a private side of the voice firewall and is associated with the public connection address on a public side of the voice firewall,” the Examiner alleges that Schuster describes such a voice communication port and cites Column 5, Lines 15-54 and Figure 1 of Schuster as allegedly describing such a voice firewall. Applicants respectfully disagree. Figure 1 and the accompany text of Schuster only describe a general network telephony system that includes various networks and network devices interconnected by network equipment such as routers and switches. Schuster generally describes network devices that have internal network addresses within a network that has an external address. However, Schuster is wholly silent with regard to a “voice firewall” that includes “a voice communication port electrically connected to the processor.” Additionally, the “processor” of the subject claim is explicitly recited as “configured to substitute a public connection address for a private connection address embedded within a data portion of the connection signal.” Schuster does not describe such a processor, and thus Shuster also fails to describe “a voice communication port electrically connected to the processor” as the claimed processor configuration is not described or suggested by Schuster. For at least this reason, Gbadegesin and Shuster are insufficient to describe or suggest a voice firewall comprising “a voice communication port electrically connected to the processor, wherein the voice communication port is associated with the private connection address on a private side of the voice firewall and is associated with the public connection address on a public side of the voice firewall” and thus are insufficient to provide a prima facie case of obviousness with regard to the claim 14 limitations. Accordingly, Gbadegesin and Shuster fail to obviate claim 14.

Conclusion

It is clear from all of the foregoing that independent claims 1, 8, 14, 20, and 26 are in condition for allowance. Dependent claims 2-7, 9-13, 15-19, and 21-25 depend from and further limit independent claims 1, 8, 14, 20, and 26 therefore are allowable as well.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,



Steven T. McDonald

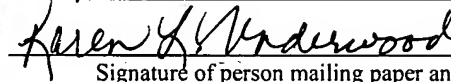
Registration No. 45,999

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